In The Specification:

Please amend paragraph [0023] and [0024]as follows:

[0023] High dielectric constant material is a term that refers to a dielectric constant material that is greater than a Si_3N_4/SiO_2 (NO) dielectric constant material. High dielectric constant layer 214 is made of a material, such as Al_2O_3, Y_2O_3, $ZrSi_xO_y$, $HfSi_xO_y$, La_2O_3, ZrO_2, HfO_2, Ta_2O_5, Pr_2O_3 or TiO_2. Table 1 below indicates the dielectric constants in the above-described dielectric layer, which furthermore includes the dielectric constants Si_3N_4/SiO_2, SiO_2 and Si_3N_4.

As indicated in Table 1, the dielectric constant of the high dielectric constant materials is usually greater than the Si_3N_4/SiO_2 dielectric constant value of 8. The high dielectric constant dielectric layer 214 in the present embodiment can also be an admixture of the above-mentioned high dielectric constant materials or a stacked layer 214a of the above-mentioned high dielectric constant materials, as shown in Fig. 3.

[0024] Moreover, whether or not to leave out the second oxide layer 216 between the high dielectric constant dielectric layer 214 and the control gate 208 within the dielectric stacked layer 210 is decided according to the band gap size of the high dielectric constant dielectric layer 214 used. If the band gap of the utilized high dielectric constant dielectric layer 214 is as wide or is wider than the silicon oxide band gap, then the second oxide layer 216 is left out, as shown in Fig. 4. The high dielectric constant dielectric layer 214 can be an admixture of the above-mentioned high dielectric constant materials. It can also be a stacked layer 214a of the above-mentioned high dielectric constant materials, as shown in Fig. 5. Alternately, if the band gap of

the high dielectric constant dielectric layer 214 is less than he silicon oxide band gap, then the second oxide layer 216 is included. Table 2 below indicates the band gap values of the utilized dielectric layer 214 material in the present embodiment and furthermore includes the band gap values of SiO_2 and Si_3N_4.

In The Drawings:

Please substitute the attached drawing of Fig. 3-5 for showing every feature of the invention in the claims.